IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14157 of 2005

Between:

B.Yesu, S/o late D.Maraiah,
R/o Bilalpur, Kohir Mandal, Medak District.

..... PETITIONER

AND

The Senior Divisional Accounts Officer, (BG), South Central Railway, Secunderabad-500 003.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent in not sanctioning the family pension to the petitioner w.e.f. 25-07-2002 to 04-06-2004 and also life time arrears from 01-07-2000 to 24-07-2000 of his deceased father B.Maraiah as per Family Pension Rules as illegal, arbitrary, discriminatory and against the Family Pension Rules and in violation of principles of natural justice apart from the violation of Articles 14 and 19 of the Constitution of India consequently direct the respondent to pay family pension to the petitioner w.e.f. 25-07-2002 to 04-06-2004 and also lifetime arrears from 01-07-2000 to 24-07-2000 of his deceased father B.Maraiah and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.D.L.PANDU

Counsel for the Respondent: MR.R.V. NARASIMHA RAJU

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the non-sanctioning of family pension and lifetime arrears of his father to him.

2. According to the petitioner, his father – Sri B.Maraiah worked as Kalasi/Helper in the South Central Railway and retired on superannuation on 28.02.1989. Pension was sanctioned to his father *vide* proceedings dated 01.03.1989. However, his father expired on 21.07.2000 at their village while his mother predeceased his father on 27.02.1999. It is stated that the petitioner alone is the legal heir of the deceased – Maraiah, being son of the deceased. Therefore, he made a representation to the respondent on 11.02.2003. As there was no response, he again made a representation on 04.03.2004 and also got issued a legal notice on 02.02.2005. In spite of all these efforts, no action has been taken by the respondent. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

4. In view of the fact that the representations made by the petitioner are pending before the respondent, and as it is claimed that the petitioner is entitled to the pension payable to his father for the period from 25.07.2002 to 04.06.2004 and life time arrears from 01.07.2000 to 24.07.2000, the Senior Personal Officer of the South Central Railway is directed to consider and dispose of the representations of the petitioner for sanctioning the payment of family pension as well as life time arrears to which the petitioner is entitled to in accordance with law. The said exercise is directed to be completed within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of at the admission stage.

S.Ananda Reddy, J

Date: 11.07.2005

Note: Furnish CC in 3 days

B/o

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To

1. The Senior Divisional Accounts Officer, (BG), South Central Railway, Secunderabad-500 003.

2. Two CD Copies